

REMARKS

Claims 1-39 are pending in the application and stand rejected. Claims 1-39 have been canceled and new claims 40-43 are presented herein.

Double Patenting

Claims 1-23 and 25-32 stand provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-31 of co-pending Application Serial No. 10/690,272. These claims have been canceled, and Applicants submit that the newly presented claims are clearly not directed to the same invention as that of claims 1-31 of S/N 10/690,272.

Rejection under 35 U.S.C §102

Claims 1, 2, 4, 5 and 9-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,312,251 to Marks et al. These claims have been canceled, and Applicants submit that the newly presented claims are not anticipated nor rendered obvious by Marks. In particular, claim 41 recites, *inter alia*, locking the first cover to the first channel member with a locking device that is operable only from within the first conduit section and is accessible only through an open end thereof. The alleged "locking device (22)" of Marks is in actuality a connector (col. 1, l. 72) and the "release means (48)" identified by the Examiner are nothing more than tongue portions received into the connector but which have no release functions whatsoever (please see col. 2, ll. 32-39). Connector 22 connects adjacent duct sections (20, 21) but does not, and indeed cannot, lock the duct cover 42 to the channel-shaped body portion (44, 45, 46) as per the present claims.

The only devices that appear to be capable of locking the duct cover to the channel-shaped body portion are the screws 39. These screws are very clearly and unequivocally shown and described as extending through the keyhole slots 74 in the duct cover 42 so that they can be turned and shifted so as to align or misalign them with the narrow portions of the keyhole slots. As clearly shown (*e.g.* Fig. 12) and disclosed (col. 3, ll. 52-62) the screws 39 are turned and shifted from the outside of the duct. Thus, these screws cannot possibly be understood as being

operable only from within the first conduit section and is accessible only through an open end thereof. As a matter of fact, they meet none of these limitations – the screws are not operable from within, as they can only be turned and shifted from outside of the duct, and they are not at all accessible through an open end of the duct, for the very same reason.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Mia Kim

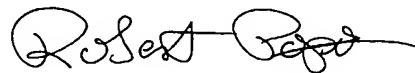
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Respectfully submitted,



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